



11-23-05

RCE
Ifw

Express Mail No. EL 989613426 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Fotinos *et al.*

Serial No.: 10/036,487

Filed: January 7, 2002

For: **DEVICES FOR LOCAL AND SYSTEMIC
DELIVERY OF ACTIVE SUBSTANCES
AND METHODS OF
MANUFACTURING THEREOF**

Docket No: 366325-509US

Confirmation No.: 3570

Group Art Unit: 1615

Examiner: Fubara, Blessing M.

REQUEST FOR CONTINUED EXAMINATION UNDER 37 C.F.R. §1.114

Mail Stop RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination under 37 C.F.R. §1.114 of the above-captioned application. Prosecution of the application is closed under 37 C.F.R. §1.114(b) for the following reasons:

- ☒ Application is under appeal;
- ☐ Last Office action is a final action under 37 C.F.R. §1.113;
- ☐ Last Office action is a Notice of Allowance under 37 C.F.R. §1.311; or
- ☐ Last Office action is an action that otherwise closes prosecution in the application.

In accordance with 37 C.F.R. §1.114(c-d), please consider the following submissions with the request:

- ☐ Previously submitted papers:
 - ☐ Arguments in the Appeal Brief or Reply Brief previously filed on ____; or
 - ☐ Arguments/Amendments in the Reply previously filed on ____.

☒ Enclosed herewith for consideration by the examiner:

☒ Arguments/Amendments;

☐ Affidavits/Declarations;

☐ Information Disclosure Statement:

☐ Substitute Form 1449 (PTO/SB/8A-B);

☐ Copies of References; and

☒ Other (*itemize*).

Exhibit A

Exhibit B

The Request for Continued Examination fee pursuant to 37 C.F.R. §1.17(e):

☐ Small entity \$ 395.00

☒ Other than small entity \$ 790.00

The form of payment for the request fee is indicated below.

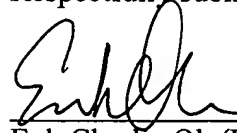
☐ A check in the amount of the fee is enclosed.

☒ The Commissioner is hereby authorized to charge the RCE fee to DECHERT LLP Deposit Account No. 50-2778 (**Order No. 366325-509US**).

☒ The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment to DECHERT LLP Deposit Account No. 50-2778 (**Order No. 366325-509US**).

This request is being made prior to the earliest of: (1) payment of the issue fee, unless a petition under 37 C.F.R. §1.313 is granted, (2) the abandonment of the application, or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 33 USC §141, or the commencement of a civil action under 35 U.S.C. §§145 or 146, except where the appeal or civil action has been terminated.

Respectfully submitted,



Euk Charlie Oh (Reg. No. 54,345)
Under 37 C.F.R. § 1.34

Date: November 21, 2005

DECHERT LLP

Customer No. 37509

Telephone: 650.813.4800

Facsimile: 650.813.4848

11896797.1.BUSINESS